

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**MARCH 13, 2007**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, March 13, 2007 at 9:17 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Ceasar C. Mitchell, Vice-Chair**  
**The Honorable Natalyn M. Archibong**  
**The Honorable Ivory L. Young, Jr.**  
**The Honorable Clair Muller**

The following member was absent:

**The Honorable Howard Shook**

Others present at the meeting were: Renee Shepherd, Marc Goncher and Megan Middleton, Law Department; Deputy Commissioners Shelia Pierce, Sally Mills, George Barnes and Joseph Basista, Department of Watershed Management; Madelyn Grant and Nursef Kedir, Department of Public Works; Cathy Martin, Office of Procurement; member of the public and Council Staff.

Chairwoman Smith called the meeting to order at 9:17 a.m. after declaring a quorum present. She then proceeded with the following order of business.

**A. ADOPTION OF AGENDA - ADOPTED**

**B. APPROVAL OF MINUTES - APPROVED**

**CONSENT**

**C. ORDINANCES FOR FIRST READING**

- 07-O-0451 ( 1)     An Ordinance by City Utilities Committee authorizing the purchase and acquisition of permanent and temporary construction easements and the necessary rights-of-way from various property owners for the purpose of construction and roadway improvements for the Jesse Hill Bridge (Butler Street Bridge), Powers Ferry Road Bridge, Mitchell Street Bridge and Piedmont Avenue Bridge; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up

**ORDINANCES FOR FIRST READING (CONT'D)**

to and including condemnation proceedings; to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4 to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 07-O-0452 ( 2)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the Fiscal Year 2007 (Water and Wastewater Renewal and Extension Fund) Budget, on behalf of the Department of Watershed Management, in the amount of \$7,114,210.00 to transfer funds from the Reserve for Appropriation for various cost associated with the fund; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 07-O-0453 ( 3)     An Ordinance by City Utilities Committee amending the 2007 (General Government Capital Outlay Fund, 1994 Referendum G. O. Bond Fund, 1994 Bond Project Fund and 1996 G. O. Public Improvement Bond Part B) Budget by transferring funds from several project centers to other project centers, in the amount of \$1,245,905.33 on behalf of the Department of Public Works, for the purpose of funding the purchase of right-of-way for the Mitchell Street Bridge Project; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 07-O-0454 ( 4)     An Ordinance by City Utilities Committee to **abandon** a portion of Bryan Avenue, SE, located between Park Avenue and the Dead-End of Bryan Avenue, lying in Land Lot 44, Council District 1, Fulton County, Georgia, consisting of approximately 0.52 acre and being more specifically described in the attached Exhibit "A"; and for other purposes.     **(To be advertised for a Public Hearing 3/27/07)**

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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**ORDINANCES FOR FIRST READING (CONT'D)**

- 07-O-0455 ( 5)     An Ordinance by City Utilities Committee to **abandon** a portion of Mullins Street, SW, located between Tee Road and the Dead-End of Mullins Street, lying in Land Lot 212, Council District 2, Fulton County, Georgia, consisting of approximately 0.2098 acre and being more specifically described in the attached Exhibit "A"; and for other purposes. **(To be advertised for a Public Hearing 3/27/07)**

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 07-O-0456 ( 6)     An Ordinance by City Utilities Committee authorizing the purchase and acquisition of permanent and temporary construction easements and the necessary rights-of-way from various property owners for the purpose of construction and design of various unpaved streets pursuant to the City of Atlanta's Unpaved Street Paving Program; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4; to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 07-O-0457 ( 7)     An Ordinance by City Utilities Committee authorizing the purchase and acquisition of permanent and temporary construction easements and the necessary rights-of-way from various property owners for the completion of the Simpson Road Streetscape, Greenbriar Parkway Streetscape, Headland Drive Streetscape, Barge Road Intersection Improvement, Lakewood Heights Streetscape, Perry Road Streetscape, Phase 2, Bolton Road Streetscape, Marietta Boulevard Streetscape, Cheshire Bridge Streetscape 2,

**ORDINANCES FOR FIRST READING (CONT'D)**

North Highland Streetscape, Phase 2 and East Atlanta Village; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4; to authorize the City Attorney to use the services of outside counsel, where necessary, to handle condemnation proceedings; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**D. ORDINANCES FOR SECOND READING**

- 07-O-0278 ( 1)     An Ordinance by City Utilities Committee to correct the Center Number identified in Ordinance 05-O-0487 adopted by the City Council on April 18, 2005 and approved by the Mayor on April 26, 2005, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Mitchell made a motion to approve.)**

**FAVORABLE**

- 07-O-0482 ( 2)     An Ordinance by Councilmember Felicia A. Moore authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-46 (1444 Northwest Drive, NW) applicant deposit a dollar amount (\$1,650.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 9; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

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### **E. RESOLUTIONS**

- 07-R-0458 ( 1)     A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Insituform Technologies, Inc., for FC-3006007983, Sewer Group One Rehabilitation Phase II Cured-In-Place-Pipe-Contract D, on behalf of the Department of Watershed Management, in an amount not to exceed \$2,299,955.70; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21( Water & Wastewater Renewal & Extension Fund) 574001 (Facilities other than Buildings) Q38I027394DA (Sewer Group I Rehabilitation); and for other purposes.  
**(Councilmember Mitchell made a motion to approve.)**

#### **FAVORABLE**

- 07-R-0459 ( 2)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Shaw Environmental, Inc./AIM Partner, PLC, Joint Venture, for FC-7619-03F, Annual Contract for Architectural and Engineering Services, to provide Supplemental Design Services for the Jesse Hill Drive Bridge Replacement Project, on behalf of the Department of Public Works, in an amount not to exceed \$8,377.00; all work will be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Bond Fund) 574001 (Facilities other than Buildings) M65F075792BH (Butler Street Bridge ROW Acq.); and for other purposes.  
**(Councilmember Muller made a motion to approve as amended.)**

#### **FAVORABLE AS AMENDED**

- 07-R-0460 ( 3)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Shaw Environmental, Inc./AIM Partner, PLC, Joint Venture, for FC-7619-03F, Annual Contract for Architectural and Engineering Services, to provide Supplemental Design Services for the Piedmont Road Bridge Replacement Project,

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**RESOLUTIONS (CONT'D)**

on behalf of the Department of Public Works, in an amount not to exceed \$4,153.00; all work will be charged to and paid from Fund, Account and Center Number: 1C50 (2004 Quality of Life Bond Fund) 574001 (Facilities other than Buildings) M65F075392BH (Piedmont Road Bridge ROW Acq.); and for other purposes.

**(Councilmember Mitchell made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 07-R-0461 ( 4) A Resolution by City Utilities Committee authorizing the Mayor to execute an agreement with Site Engineering, Inc., for FC-3006007982, Sewer Group One Rehabilitation Phase II Pipe Bursting Contract D, on behalf of the Department of Watershed Management, in an amount not to exceed \$3,391,333.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (Water & Wastewater Bond Fund) 574001 (Facilities other than Buildings) Q38I02739999 (Sewer Group I Rehabilitation); and for other purposes.

**(Councilmember Mitchell made a motion to approve.)**

**FAVORABLE**

- 07-R-0462 ( 5) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, for Construction Management Services for Riverside Outfall Capacity Relief, on behalf of the Department of Watershed Management, in an amount not to exceed \$615,214.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J28 (2004 Water & Wastewater Bond Fund) 524001 (Consultant/Professional Services) Q38I02999999 (Riverside Outfall Capacity Relief); and for other purposes.

**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 07-R-0483 ( 6)     A Resolution by Councilmember Carla Smith correcting Resolution 06-R-2423 which encumbered Phase Three funding for the McDaniel Combined Sewer Basin Project, on behalf of the Department of Watershed Management, for the purpose of including a Water Project Center that was inadvertently omitted; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

**F.     PAPERS HELD IN COMMITTEE**

- 06-O-0306 ( 1)     An Ordinance by City Utilities Committee amending the 2006 (1994 G. O. Bond Referendum Fund) Budget by transferring from and to appropriations in the amount of \$852,361.11 to fund the Paving Management and Improvement Program; and for other purposes. **(Held 2/14/06 at the request of Councilmember Muller.)**

**HELD**

- 06-R-0563 ( 2)     A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns.)**

**HELD**

- 06-O-0937 ( 3)     An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management.)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-1454 ( 4)     An Ordinance by Councilmember Clair Muller **as amended by City Utilities Committee** to amend Chapter 130 Solid Waste Management, Section 130-84, Rates and Charges, to limit such rate to apply to lots with a residence; and for the other purposes. **(Amended and held 6/27/06 at the request of the author.)**

**HELD**

- 06-O-1573 ( 5)     An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions.)**

**HELD**

- 06-O-1947 ( 6)     An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department.)**

**HELD**

- 06-R-2299 ( 7)     A **Substitute** Resolution by City Utilities Committee as **amended** authorizing the Mayor to enter into an agreement with the United States Army Corps of Engineers for a project to analyze and map flood prone areas associated with storm water runoff within the Combined Sewer Basins, on behalf of the Department of Watershed Management, in an amount not to exceed \$287,500.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water and Wastewater Renewal and Extension Fund) 524001 (Consultant/Professional Services) Q38I029294DA (CSO Cost Sharing); and for other purposes. **(Councilmember Mitchell made a motion to approve on substitute as amended.)**

**FAVORABLE ON SUBSTITUTE AS AMENDED**



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### PAPERS HELD IN COMMITTEE (CONT'D)

- 07-R-0002 ( 8)     A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review.)**

#### HELD

- ( 9)     Appraisal of the **abandoned** portion of Lakeside Drive, NE, consisting of 19.50 acres proposed assemblage tract or \$1,300,000.00 per acre, or \$29.84 per square foot. **(Held 1/9/07 for further review.)**

#### HELD

- 07-R-0252 (10)     A Resolution by Councilmember Carla Smith **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$8,500.00 as stipulated penalties for the violation of Chlorine Operational Collections Standards at the Tanyard Creek CSO on February 25, 2007 pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes.  
**(Councilmember Mitchell made a motion to approve on substitute**

#### FAVORABLE ON SUBSTITUTE

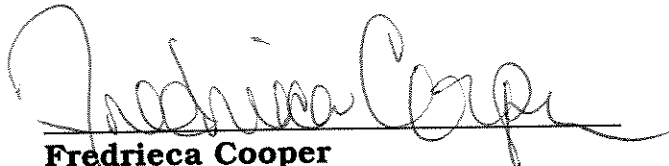
#### **G.     REQUESTED ITEM**

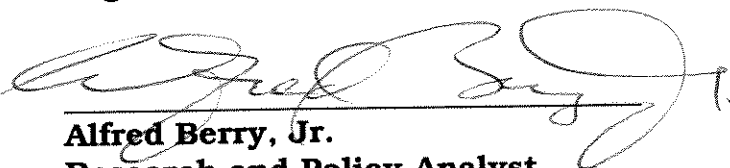
1.     Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.
2.     Councilmember Smith requested the Dennis Boyden, Regional Manager-External Affairs, AT&T present to the committee a brief discussion on the BellSouth-AT&T merger.

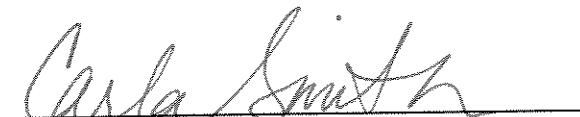
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**There being no further business to come before the Committee, the meeting was adjourned at 10:04 a.m.**

**Respectfully Submitted:**

  
**Fredriecca Cooper  
Legislative Assistant**

  
**Alfred Berry, Jr.  
Research and Policy Analyst**

  
**The Honorable Carla Smith, Chair  
City Utilities Committee**